

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL MALIK ALLAH,)
Plaintiff,)
)
v.) Civil Action No. 04-1167
)
LOUIS FOLINO, et al.,)
Defendants.)

O R D E R

AND NOW, this 22nd day of February, 2006, after the plaintiff, Michael Malik Allah, filed a civil rights complaint in the above-captioned case, and after a motion to dismiss the complaint was submitted by defendants James, Burks, Bitner, Beard, Reisinger and Andrade, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the plaintiff was granted until February 7, 2006 to file written objections thereto, and objections having been filed by the plaintiff on February 10, 2006, and upon independent review of the pleadings and the objections, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motion to dismiss the complaint filed by defendants James, Burks, Bitner, Beard, Reisinger and Andrade (Docket No. 67) is granted without prejudice to the plaintiff's right to file an amended complaint within 30 days of the entry of this order. Plaintiff is reminded of the applicability of Rule 11 of Federal Rules of Civil Procedure to any pleading that is filed with this court..

/s/ Joy Flowers Conti
United States District Judge

cc: Michael Malik Allah
BF-8299
630 Creekview Boulevard
Covington, GA 30016

All Counsel of Record

Honorable Robert C. Mitchell
United States Magistrate Judge